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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SIERRA CLUB, et al., Plaintiffs, v. ROGERS C. B. MORTON, et al., Defendants.	Civil Action No. 51464 WTS

REQUEST TO PRODUCE

Plaintiffs hereby request, pursuant to Rule 34 of the Federal Rules of Civil Procedure, that defendants produce and permit plaintiffs to inspect and copy each of the following documents:

1) Mineral King Stream Improvement Structures and Report. (1935-36).

2) Forest Service recreation use projections (1937 to present).

3) Winter snow surveys of weather, skiing, and avalanche conditions; reports known as "Hasher-Gibson Reports." (1947-49).

4) Snow surveys taken three times during each winter since the Hasher-Gibson Reports, at two separate courses.

5) Forest Service Access Road Reconnaissance Report

which included tentative winter sports recreation development proposals. (1949).

6) Mineral King Avalanche Condition and Survey by M. M. Atwater. (1950).

7) Public hearing in Visalia relative to recreation development of Mineral King (249 pages of testimony). (1953).

8) References to Mineral King mineral resources in California Journal of Mines and Geology, Vol. 54, No. 3. (1958).

9) Report on Feasibility of a Highway Providing All-Year Access to Mineral King, by California Division of Highways ($4MM). (1959).

10) Report on Mineral King Project to Walt Disney Productions by Willy Schaeffler. (1960).

11) A Comprehensive Master Plan for the Development of Soil and Water Resources of the Upper Kaweah River Watershed (A Report for the Three Rivers Soil Conservation District).(1962).

12) Deer Browse and pellet count transects (10) established in Mineral King. (1962).

13) "Caves of California" by Wm. R. Halliday, June 1962, Special Report of Western Speleological Society - writeups on White Chief and Franklin Caves.

14) Structure of Metamorphic Rocks in Mineral King, by M. N. Christensen, 39 pages and map. (1963).

15) Mineral King Recreation Area Management Plan approved. (1965).

16) Mineral report on Mineral King by Forest Service Mining Engineer, Wes Moulton. (1965).

17) Kaweah Deer Herd Management Plan Report (approved by FS, NPS, BLM, and CDF&G). (1965).

18) Current Forest Timber Inventory Plots (3) established. (1965).

19) Grazing Condition and Trend Transect established.(1965).

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20) Studies of area by six development proponents and availability of their individual reports covering economics, geology, hydrology, avalanche, etc. (1965).

21) Walt Disney Productions snow, avalanche, and weather studies and reports. (1966 to present).

22) Walt Disney Productions reports on various aspects of development - construction, maintenance, etc. (1966 to present).

23) Field inventory (1966) and subsequent checklist of nearly 400 plant species, published by Forest Service in January, 1969.

24) Forest Service soils-hydrology report of Mineral King Valley and near slopes. (1966).

25) Reports on cave studies and management. (1966).

26) Stanford Research Institute report on Mineral King meteorology. (1966).

27) Study of possible changes in the ecology of Sequoia groves in Sequoia National Park (Hartesveldt Report). (1966).

28) Dames and Moore Site Studies - including geology, soils, water, sewage, etc. (1966).

29) Walt Disney Productions studies of 22 prominent winter sports sites in U.S. and Europe. (1966-1967).

30) Federal Water Pollution Control Administration water quality sampling studies, including biota, (1967 to present).

31) Report of Route Studies Relative to the Freeway Location of Route 276 in Tulare County Between Salt Creek and Mineral King. California Division of Highways. (1967).

32) Walt Disney Productions reports to National Park Service on methods of access. (1967).

33) Walt Disney Productions reports on estimated visitor use. (1967).

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34) Reports by Andre Roche, Swiss avalanche and area planning expert; and Emile Allais, French expert on winter sports. (1967).

35) Walt Disney Productions summer-winter weather studies continue. (1967).

36) Walt Disney Productions sub-surface studies to determine foundation materials, bedrock locations, percolation tests, etc. (1968).

37) U.S. Geological Survey studies and reports on stream gaging stations in Mineral King and below on quantity, quality, and temperature studies. (1968 to present).

38) California Division of Highways seismic investigations along road right-of-way. (1968).

39) Plans for recreation use impact plots or transects. (1969).

40) Report on Study of Recovering Funds Expended for Construction of State Highway Route 276. Division of Highways, (1969).

41) Air quality study. (1969).

42) Bird list by Fresno Audubon Society. (1969).

43) CDF & G deer tagging studies. (1969 to present).

44) Legume seeding plus other revegetation studies. (1969).

45) Fisheries studies leading to FPC relicensing of Southern California Edison Company dams. (1969).

46) FWPCA and USGS reports on water quality and quantity. (1969).

47) The Potential Environmental Impact of Alternate Recreational Land Uses at Mineral King, California, by A.E. Sullivan, March 1970, University of California, Riverside, Department of Geography. (1970).

48) Soil and Vegetation Survey Report. (1970).

49) Archaeological Resources of the Mineral King District. (1970).

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50) Revegetation studies.(1970).

51) Hydrology investigations. (1970).

52) Stage I Impact Report on FPC #298 relicense (4 dams at Mineral King). (1970).

53) Continued air quality study. (1970).

54) Environmental Awareness Center Investigation - Kevin Donnelly, June 1970, Ph.D. Thesis, University of Utah, June 1970. (1970).

55) Deer Tagging Report. (1971).

56) Soil Fertility Tests Report. (1971).

57) The Proposed Recreational Development of the Mineral King Area and Its Effects on the Natural Ecology - Bennetzen & Kotlar, June 1971. (1971).

58) Hydrology studies. (1971 to present).

59) USGS 1969 Water Quality and Quantity Data Report for E. Fk. Kaweah River Basin.

60) Any manuals, regulations, directives, memoranda, agreements, letters or any other documents or writing issued by the Department of Agriculture, Forest Service, Chief of the Forest Service, Regional Forester, Forest Supervisor or other official concerning management policies for Sequoia National Game Refuge.

61) Any document or writing relating to a proposed ski development in the Sequoia National Game Refuge.

62) Any studies, reports, or other documents or writings relating to the environmental impact of development in the Sequoia National Game Refuge.

63) All correspondence with Walt Disney Productions, Inc., and others concerning Disney's proposed development in the Sequoia National Game Refuge.

64) All final and draft environmental impact statements, cost benefit analyses, and studies of alternatives relating to

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the Sequoia National Game Refuge.

65) All writings or documents concerning public use and visitation of Sequoia National Game Refuge.

66) All writings or documents concerning fish, wildlife and habitat at Sequoia National Game Refuge.

67) Any writings or documents concerning the plans for Disney's proposed development in Sequoia National Game Refuge or any modification or proposed modification thereof.

68) Any writing or document relating to cog-assisted railway access to Sequoia National Game Refuge and to power lines for Disney's proposed development therein.

69) Any permit, right-of-way, or authorization of any kind issued with regard to the proposed development at Mineral King.

70) Any writing or document relating to plans for the present cabin permittees at Mineral King.

71) Any map or diagram of the proposed development, any alternative thereto or any impact thereof.

72) Any document concerning the legal origin, status, management and / of the present road through Sequoia National Park to the Sequoia National Game Refuge.

In interpreting these Requests to Produce, defendants should not limit their production to items in the files of the Department of Agriculture, but should also include items in the files of the Department of the Interior.

The terms "writing" and "document" should be interpreted to include any item on paper, film, cloth or otherwise concerning the subject of the request.

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It is requested that the aforesaid production be made on the 17th day of October, 1972, at 10:00 A.M. at the office of Defendant Douglas Leisz, U. S. Forest Service, 630 Sansome, San Francisco, California.

Dated: September 14, 1972

JAMES W. MOORMAN
Attorney for Plaintiffs

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CERTIFICATE OF SERVICE BY MAIL

The undersigned certifies that he is an active member of the State Bar of California; that he is not a party to the within cause; that his business address is 311 California Street, Suite 311, San Francisco, California 94104; that he caused an envelope to be addressed to each of the following named persons; that he enclosed and sealed in each envelope a copy of the foregoing and attached document; and deposited each envelope with postage fully prepaid in the United States mail at San Francisco, California, on September 14, 1972.

RODNEY HAMBLIN
Assistant United States Attorney
Federal Building, Room 16427
450 Golden Gate Avenue
San Francisco, California 94102

James W. Moorman

JAMES W. MOORMAN
Sierra Club Legal Defense Fund, Inc.

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